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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 GEORGE I. OJEISEKHOBBA,

9 Plaintiff,

10 vs.

11 I.C.E. and HENDERSON DETENTION
12 CENTER MEDICAL STAFF,

13 Defendant.
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Case No. 2:12-CV-01529-MMD-VCF

ORDER

15 Plaintiff has submitted an Application to Proceed *in Forma Pauperis* (dkt no.1) and a Civil
16 Rights Complaint Pursuant to 42 U.S.C. § 1983. The Court finds that plaintiff is able to make an initial
17 installment payment of \$10.00 toward the \$350 filing fee. Pursuant to 28 U.S.C. § 1915, plaintiff will
18 be required to make monthly payments toward the full filing fee when he has funds available. Plaintiff
19 has also filed a motion to amend his complaint (dkt. no. 2) which requests leave to add additional
20 claims. However, the Court notes that plaintiff's request for leave to amend is attached to what appears
21 to be an addendum to the complaint, adding additional factual allegations and defendants.

22 Plaintiff is informed that an amended complaint supercedes the original complaint and therefore
23 must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546
24 (9th Cir. 1990). "All causes of action alleged in an original complaint which are not alleged in an
25 amended complaint are waived." *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (citation omitted).
26 Therefore, the amended complaint must contain all claims, defendants, and factual allegations that
27 plaintiff wishes to pursue in this lawsuit. Therefore, the motions to amend (dkt. no. 2) is granted, but
28 the motion and any attachments thereto are not construed as amended pleadings. In filing an amended

1 complaint, plaintiff may not simply file an addendum-styled document that includes additional
2 allegations and names additional defendants, but rather, the amended complaint must contain all claims,
3 defendants, and factual allegations that plaintiff wishes to pursue in this lawsuit.

4 **IT IS THEREFORE ORDERED** that plaintiff's Application to Proceed *in Forma Pauperis*
5 (dkt. no. 1) is **GRANTED**. Plaintiff George I. Ojeisekhoba, **Prisoner No. 66800**, will be permitted to
6 maintain this action to conclusion without prepayment of the full filing fee. However, plaintiff must
7 pay an initial installment of the filing fee in the amount of **\$10.00**. Plaintiff will not be required to pay
8 fees or costs, other than the filing fee, or give security therefor. This Order granting *in forma pauperis*
9 status shall not extend to the issuance and service of subpoenas at government expense.

10 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
11 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
12 Prisoner Litigation Reform Act of 1996.

13 **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date of entry
14 of this order to have the initial installment of the filing fee, in the amount stated above, sent to the Clerk
15 in the manner described below. Failure to do so may result in the dismissal of this action.

16 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** plaintiff two copies of this Order.
17 Plaintiff must make the necessary arrangements to have one copy of this Order, attached to a check in
18 the amount of the initial installment of the filing fee, sent to the Court.

19 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915, as amended by the Prison
20 Litigation Reform Act of 1995, the Henderson Detention Center shall pay to the Clerk of the United
21 States District Court, District of Nevada, 20% of the preceding month's deposits to the prisoner's
22 account (in months that the account exceeds \$10.00) until the full three hundred fifty dollar (\$350.00)
23 filing fee has been paid for this action. If Plaintiff should be transferred and become under the care of
24 the Nevada Department of Prisons, the Henderson Detention Center Accounting Supervisor is directed
25 to send a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department
26 of Prisons, P.O. Box 7011, Carson City, NV 89702, indicating the amount that Plaintiff has paid toward
27 his filing fee, so that funds may continue to be deducted from Plaintiff's account. The Clerk shall send
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1 a copy of this order to the Henderson Detention Center Accounting Supervisor, 243 South Water St.,
2 Henderson, NV 89015.

3 **IT IS FURTHER ORDERED** that the Motion to Amend the Complaint (dkt. no. 2) is
4 **GRANTED.** The Clerk shall send to plaintiff a copy of the form and instructions for filing a section
5 1983 action. Plaintiff shall have thirty days to file his amended complaint. Plaintiff shall title the
6 document First Amended Complaint and shall include the case number assigned to this action. Failure
7 to file the amended complaint within the time allowed may result in the Court screening the original
8 complaint pursuant to 28 U.S.C. § 1915A.

9 Dated this 11th day of September, 2012.

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12 Cam Ferenbach
13 United States Magistrate Judge
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